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10/559,432	12/05/2005	Ji-hyun Lee	Q91678	2939
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MCCORD, PAUL C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,432	Applicant(s) LEE ET AL.
	Examiner PAUL MCCORD	Art Unit 2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 December 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 05 December 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1668)
 Paper No(s)/Mail Date 12/5/5, 9/19/6, 10/5/7

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The single means of claims 1 and 2 cover ever conceivable means for achieving the stated purpose while the specification discloses at most only such means as are known to applicant. For the purpose of the below rejection the claims will be considered as part of enabled claim 3.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2615

4. Claims 1, 2, 6, 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ward (US Patent 6526411.)

5. Regarding claim 1

Ward teaches:

A device for managing metadata (see Abstract: a method and system for creating a playlist based around the collaborative and content based filtering of metadata), **wherein priorities are assigned to attributes of key metadata** (Column 2, lines 19-25: a user profile contains priorities used as a means of ranking items based on key user metadata) **according to characteristics of audio content** (Col 1, l. 35-42: audio characteristics such as artist are among the metadata characteristics stored in a user profile), **the metadata for a specific audio content are read to extract the attributes thereof** (Col 1, l. 26-45; Col 6, l. 55-67; Fig 3: a meta-category can be read from user profile metadata, content providers are queried for audio content and the audio content metadata are read and matched to the prioritized meta-category) **and the priorities for the read metadata are then set according the assigned priorities** (Col 6, l. 55-67; Fig 3: based on the matching of the retrieved audio content culling algorithms set the priorities based on the read metadata, discarding or placing retrieved audio content into the play queue according to the read metadata.)

6. Regarding claim 2

Ward teaches:

The device as claimed in claim 1, **wherein the read metadata are displayed according to the set priorities for the metadata.** (Col 8, l. 41-52; Fig 6: after algorithmically

sorting retrieved media content based on metadata priorities the result is stored and made available to a user on display **68**)

7. Regarding claim 6

Ward teaches:

A method of managing metadata, comprising the steps of: assigning priorities to attributes of key metadata (Column 2, lines 19-25: a user profile contains priorities used as a means of ranking items based on key user metadata) **according to characteristics of audio contents content** (Col 1, l. 35-42: audio characteristics such as artist are among the metadata characteristics stored in a user profile); **reading the metadata for a specific audio content** (Col 1, l. 26-45; Col 6, l. 55-67; Fig 3: a meta-category can be read from user profile metadata, content providers are queried for audio content and the audio content metadata are read and matched to the prioritized meta-category); **extracting the attributes of respective metadata from the read metadata** (Col 8, l. 53-67; Col 9, l. 1-7; Fig 7: an algorithm for sorting through each meta-category of metadata wherein extracted metadata comprised of read elements of the meta-category are paired and weighted); **classifying the extracted metadata attributes according to the assigned priorities and setting their priorities**(Col 8, l. 53-67; Col 9, l. 1-7; Fig 7: an algorithm for sorting through each meta-category of metadata wherein extracted metadata comprised of read elements of the meta-category are paired and weighted, the assigned priorities are responsible for the selection for pairing, the priorities are set by insertion of pair links); **and displaying the metadata for the audio content according to the set priorities** (Col 8, l. 41-52; Fig 6: after algorithmically sorting retrieved media

content based on metadata priorities the result is stored and made available to a user on display 68).

8. Regarding claim 9

Ward teaches:

The method as claimed in claim 6, **wherein the step of displaying the metadata for the audio content comprises the step of displaying a part of the metadata according to the set priorities.** (Col 8, l. 48-52) Elements, which are a part of the metadata and ranked and sorted based on set priorities can be displayed to a user on display 68.

9. Regarding claim 10 – see above rejection of claim 6
10. Regarding claim 12 – see above rejection of claim 6

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward as applied to claims 1, 2 and 6 above.

15. Regarding claim 7

Ward teaches:

The method as claimed in claim 6,

Ward does not explicitly teach:

A method wherein the assigned attributes of the metadata correspond to attributes of the genre of the audio content. However examiner takes official notice that genre of the audio content as a category of metadata is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include genre as an assigned attribute of metadata in the Ward system for the purpose of creating a dynamic playlist.

Art Unit: 2615

16. Claims 3, 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward as applied to claims 1, 2, 6, 9, 10 and 12 above further in view of Tsuk et al. (US Patent 7312785 hereinafter Tsuk.)

17. Regarding claim 3

Ward teaches:

The device as claimed in claim 1, **comprising a metadata determination unit that receives the metadata for the selected audio content from the control unit to extract the attributes of the metadata and determines the priorities for the metadata according to the assigned priorities** (Col 8, l. 41-53; Fig 6; CPU functions to sort audio content based on prioritized metadata and meta-categories determining priorities and placing a media item in a queue for playback or discarding);

Ward does not teach:

A device wherein the device further comprises: a disc drive unit that picks up and outputs the audio contents and metadata recorded on a disc; a control unit that controls the operations of playing back the audio content read by the disc drive unit according to the selection of a user and providing the user with the metadata for the audio content being played; and a display unit that displays a predetermined application program for playing back the audio content under control of the control unit and also displays predetermined metadata determined by the metadata determination unit through the application program.

In a related filed of endeavor Tsuk teaches:

A device and system for controlling a media device (see Abstract; Col 5, l. 5-6) comprising a disc drive unit that picks up and outputs the audio contents and metadata recorded on a disc (Col 10: l. 55-67: aspects of the invention may be embodied in a hard drive); a control unit (Col 13, l. 1-10; Fig 8A: processor 802 functions as control unit) that controls the operations of playing back the audio content read by the disc drive unit according to the selection of a user (Col 13, l. 1-10; Fig 8A: user input device 808 allows a user to interact with the media player through the processor 802) and providing the user with the metadata for the audio content being played (Col 14, l. 19-33; Fig 8A; Fig 9: audio content metadata not limited to the names of songs provided to the user on display (810, 904)) and a display unit (Fig 8A: display 810) that displays a predetermined application program for playing back the audio content under control of the control unit and also displays predetermined metadata. (programming of display described throughout Tsuk specification including playing back audio content (Col 5, l. 40-47,) and displaying metadata (Col 14, l. 19-33; Fig 9)

Tsuk applied to Ward teaches:

The CPU of Ward can function as or in concert with a control unit as disclosed by Tsuk to extract and determine metadata priorities, further either CPU or control unit can function as a metadata determination unit and in concert with the display cause the media player to display any individual or predetermined grouping of metadata through the application program.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the media player programming and control means taught by Tsuk with the metadata prioritization and management means taught by Ward. One would have been motivated to do so for the purpose of creating a compact, portable and easy to use device for providing users with new media files which the user may preferably enjoy.

18. Regarding claim 4

Ward does not teach:

The device as claimed in claim 3, further comprising: a decoder that decodes the audio content read by the disc drive unit and outputs the decoded audio content in the form of an original audio signal; and an input unit that generates a predetermined selection signal according to the user's selection and outputs the generated signal to the control unit

Tsuk teaches:

The device as claimed in claim 3, further comprising: a decoder that decodes the audio content read by the disc drive unit and outputs the decoded audio content in the form of an original audio signal (Col 13, l. 11-25; Fig 8A: CODEC 812 decodes audio content from the file system and produces it as analog audio signal output to a speaker); and an input unit (Fig 8A: user input device 808) that generates a predetermined selection signal according to the user's selection and outputs the generated signal to the control unit (Col 13, l. 11-25; Fig 8A: upon receipt of a selection of a media file from the input device 808 the processor 802 supplies the media data to the CODEC 812).

19. Regarding claim 11

Ward teaches:

The method as claimed in claim 10

Ward does not teach:

A method **wherein the meta data are displayed when the relevant audio content is selected.**

Tsuk teaches:

A method wherein selecting relevant audio content can be accomplished by the user inputting other input **1106** (Col 15, l. 42-62; Fig 11.) While not explicitly stated the selection of a media item for display by the user inputting other input **1106** is well known in the art as a way in which to call up metadata relevant to the selected media item i.e. song title, artist, length etc. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the display of metadata when the audio content is selected as taught by Tsuk in the Ward method for the purpose of creating a compact, portable and easy to use device for providing users with new media files which the user may preferably enjoy.

20. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward as applied to claims 1, 2 and 6 above further in view of Tojo et al. (WO 02/098130 hereinafter Tojo.)

21. Regarding claim 5

Ward teaches:

The device as claimed in claim 1, **wherein the priorities for the metadata are defined according to the attributes of metadata,**

Ward does not teach:

The device wherein a **predetermined matching table is created which contains metadata lists corresponding to the respective attributes.**

In solution of a related problem Tojo teaches:

A method and system for storing main information data and metadata (see Abstract) wherein metadata item and descriptive information is held in a priority matching table (see Abstract; Tables 1,2,3; Fig 6) Ward and Tojo both teach means of managing data information based on metadata information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include matching tables as taught by Tojo within the Ward device. One would have been motivated to combine Ward and Tojo for the purpose of referencing different control schemes or user profiles in descending order of priority.

22. Regarding claim 8 – see above rejection of claim 5: the device teaches the method.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6092049 – discloses recommender technology with media rating profiles

6088722 – discloses a method for scheduling delivery of media files

6545209 – discloses music content characterization and matching

6728729 – discloses local management of network accessed media

6748395 – discloses a dynamic playlist generator

6941324 – discloses a method for processing playlists

6963975 – discloses an audio fingerprinting system

7003515 – discloses a media item matching system

2003/0028273 – discloses a recording control system

2003/0135513 – discloses a playlist generation system

2003/0217121 – discloses a method for personalizing content

2003/0236582 – discloses a user directed means for prioritizing media files

2004/0177063 – discloses a method for searching a media service

2006/0047678 – discloses an information processing apparatus

24. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL MCCORD whose telephone number is (571)270-3701. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

Art Unit: 2615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SUHAN NI can be reached on (571)272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. M./
Examiner, Art Unit 2615

/Suhan Ni/
Primary Examiner, Art Unit 2615